UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/558
20 October 1995

ORIGINAL: ENGLISH

Fiftieth session
Agenda item 112 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Internally displaced persons

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report prepared by the representative of the Secretary-General on internally displaced persons, Mr. Francis Deng (Sudan), in accordance with Commission on Human Rights resolution 1995/57 of 3 March 1995 and Economic and Social Council decision 1995/273 of 25 July 1995.

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ANNEX

Report on internally displaced persons prepared by the representative of the Secretary-General, Mr. Francis Deng, in accordance with paragraph 16 of Commission on Human Rights resolution 1995/57 of 3 March 1995 and Economic and Social Council decision 1995/273 of 25 July 1995

I. INTRODUCTION

1. Significant progress has been made over the last few years in how the international community deals with internal displacement. But a great deal remains to be done to establish and consolidate the normative, institutional and operational frameworks required for an effective system of protection, assistance and sustainable development for internally displaced persons. Although it is not possible to predict how the response of the international community to the epidemic crisis of internal displacement will evolve in the future, certain indicators are already apparent. It is clear that there is no international political will at present to establish a special mechanism for the internally displaced comparable to that in place for refugees. Nor is it likely that one existing agency will be designated to assume full responsibility for the internally displaced. Consequently, for the foreseeable future, the more practical alternative is likely to be one of collaboration among the various agencies whose mandates and scope of operations are relevant to the needs of the internally displaced. The focus remains one of State responsibility for the citizens and the role of the international community is to support and sanction that responsibility.

2. It is with this realization in mind that the role of the representative of the Secretary-General for internally displaced persons, as defined by the various resolutions of the Commission on Human Rights and the General Assembly and the directives of the Secretary-General, has evolved over the last several years into one of a catalyst, a liaison and an advocate for the internally displaced. In practical terms, this means raising the level of consciousness about the problem at both the global and the national levels, stimulating dialogue among all concerned and facilitating cooperation between national and international actors.

3. The present document is based on the representative's most recent report to the Commission on Human Rights in February 1995, which summarized the main findings of the representative over the past three years, the activities undertaken, the progress made, the difficulties encountered, and the preliminary conclusions reached on the issue of protection and assistance for the internally displaced. That report, which the General Assembly may wish to consult (E/CN.4/1995/50 and Add.1-4), reviewed his missions to nine countries and follow-up activities to those missions, discussed in detail the issue of legal standards, analysed relevant institutional mechanisms and capacities and examined strategies being developed to provide better assistance and protection. Finally, it outlined the fundamentals for a plan of action to address the protection, assistance and development needs of the internally displaced.

4. It may be recalled that the Commission on Human Rights at its forty-eighth session in 1992 requested the Secretary-General to appoint a representative to study the human rights issues related to internally displaced persons, and that following the submission of the representative's comprehensive study in 1993 (E/CN.4/1993/35, annex), the Commission extended his mandate for another two years. In 1995 the Commission extended the representative's mandate for a further three years. In compliance with the most recent resolutions of the Commission (1994/68 and 1995/57) and the General Assembly (48/135), the representative has reported to the General Assembly at its forty-eighth (A/48/579, annex) and forty-ninth (A/49/538, annex) sessions, as well as to the fiftieth (E/CN.4/1994/44 and Add.1) and fifty-first sessions (E/CN.4/1995/50 and Add.1-4) of the Commission.

II. OVERVIEW OF THE PROBLEM

5. Internal displacement has become a monumental crisis in both scope and intensity. Among its causes are internal conflict, ethnic strife, forced relocation, and gross violations of human rights. When the Commission first considered the subject in 1992, the number of internally displaced persons was estimated at about 24 million. The total is now believed to have climbed to at least 30 million, surpassing the number of refugees. According to existing data, there are approximately 16 million internally displaced persons in Africa, 6 to 7 million in Asia, more than 5 million in Europe and up to 3 million in the Americas. The number of internally displaced in fact may be even higher, given the reticence of Governments to admit the existence of the problem and considering that there is no institution charged with collecting the information. Nor is there a consistent methodology among the various groups that do collect the data. In addition, in countries or areas of countries where there is minimal or no operation by the United Nations or other international agencies, displaced persons can remain hidden from or forgotten by the international community. 1/

6. The United Nations High Commissioner for Refugees estimates that one in every 130 people in the world has been forced into flight and has become either externally or internally displaced. 2/ Internal conflicts, which in the post-cold-war era have become more prevalent than conflicts between States, are a principal cause of displacement. 3/ It is estimated that internal conflicts are forcing the flight of an estimated 10,000 persons daily. 4/ Another major factor explaining the rising toll of internally displaced persons is the increasing international preoccupation with the prevention of refugee flows. The growing reluctance of States to admit large numbers of refugees or to finance their stay in third countries is forcing greater numbers of persons to remain displaced within their own countries.

7. Because they remain under the control of national authorities, the internally displaced, unlike refugees, often do not receive the assistance and protection of the international community. The vast majority live under the adverse conditions of a hostile environment, where their access to protection and assistance is constrained. Moreover, while all victims in internal conflict situations are at serious risk, the internally displaced are often more vulnerable. Some of the highest mortality rates ever recorded during

humanitarian emergencies have come from situations of internal displacement, where the death rates among internally displaced persons have been as much as 60 times higher than those of non-displaced within the same country. 5/ The internally displaced are also often more vulnerable to round-up, forcible resettlement, arbitrary detention, arrest, forcible conscription or sexual assault, and suffer more often from a lack of food and health care.

8. In recent years, an increasing number of United Nations agencies, humanitarian organizations and non-governmental groups have expanded their areas of operations to respond to the needs of the internally displaced. In particular, the Office of the United Nations High Commissioner for Refugees (UNHCR) and humanitarian organizations like the International Committee of the Red Cross (ICRC) have substantially increased their involvement with internally displaced populations. Other agencies such as the United Nations Children's Fund (UNICEF), the World Food Programme (WFP), the United Nations Development Programme (UNDP), the World Health Organization (WHO) and the International Organization for Migration (IOM) have also become more involved, and the Department of Humanitarian Affairs of the Secretariat has taken steps, in particular through the Inter-Agency Task Force on Internally Displaced Persons, to strengthen coordination. These collaborative arrangements can considerably enhance assistance, protection and development for internally displaced persons. None the less, international efforts are mostly ad hoc and often do not reach large numbers of internally displaced persons at risk. Moreover, they focus more often on relief than on protection.

9. One of the main reasons for the appointment of the representative of the Secretary-General was "the absence of a focal point within the United Nations system" (Commission on Human Rights resolution 1993/95) to bring attention to the need for improved protection and assistance for internally displaced persons and to address the human rights and humanitarian dimensions of the problem. In the past three years, the representative has tried to raise awareness, especially within the Commission on Human Rights and the General Assembly and among humanitarian agencies and non-governmental organizations, of what is generally recognized as one of the most challenging problems of our time.

III. THE FIELD EXPERIENCE

A. Country profiles

10. As one of the principal elements of the mandate, on-site visits to countries with serious problems of internal displacement are conducted with two main objectives: assessing first-hand the situation in order to determine what needs to be done by Governments and the international community to address the problems involved; and acquiring information and insights that deepen understanding of the generic problems of internal displacement and perhaps help in formulating standards and strategies for its solution. Both objectives fulfil a catalytic role by raising the level of consciousness among the pertinent actors, generating functional dialogue with all concerned and fostering a collaborative process involving the primary responsibility of the Government and the complementary or supplementary role of the international community.

11. Following the representative's appointment in 1992, he visited the former Yugoslavia, the Russian Federation, Somalia, the Sudan and El Salvador, upon which he reported in his comprehensive study (E/CN.4/1993/35, annex). Since the extension of his mandate in 1993, the representative has visited Sri Lanka (November 1993), Colombia (June 1994), Burundi (September 1994), Rwanda (December 1994) and Peru (August 1995) and has prepared country profiles on each of those visits (E/CN.4/1994/44/Add.1; E/CN.4/1995/50/Add.1, 2 and 4; the report on Peru is forthcoming). Each of the reports provides an overview of the particular crisis of internal displacement, an analysis of the humanitarian and human rights issues involved and suggestions to the Government and the international community for corrective measures. The following are major themes highlighted in the reports as central to the problem of internal displacement.

Manifestation of the problem

12. Internal displacement manifests itself differently in different countries. In several countries visited - for instance, Somalia, the Sudan, Sri Lanka, the former Yugoslavia and Rwanda - the displaced were identifiable as large clusters of people in camps, uprooted from their homes and divested of their natural resource base, as a result of which they were entirely dependent on humanitarian assistance and precarious protection from the controlling authorities. In contrast, in El Salvador those internally displaced in the aftermath of the peace agreement were often integrated into rural areas but still constrained by lack of land and vital services and in precarious security conditions. In Colombia, the displaced sought security by merging into established communities, only to find that owing to similar levels of poverty and inadequate protection, the host communities could provide little relief to the displaced persons' plight. The situation in Burundi brought together the various forms of internal displacement: the "displaced" in the army-protected camps represented the typical form seen in many countries, whereas the "dispersed", who merged into rural areas to avoid the security forces, were somewhat comparable to the displaced of El Salvador and Colombia; unlike the latter, however, they did not disappear into rural communities but dispersed into the hills, the marshes or the valleys away from the roads. In Peru, with the radical reduction of terrorist violence, displacement is now manifested in several forms: those still displaced in rural areas of temporary settlement, mostly among the original inhabitants; those in squatter settlements around urban centres; and returnees seeking reintegration into their original setting. A significant feature of the displacement problem in Peru is that displaced populations from previously marginalized poor rural areas often prefer to resettle in or near urban centres where they have access to such social services as education, health care and other amenities.

13. It is important to consider the different ways in which internal displacement manifests itself in designing solutions to the problem. Assistance provided to internally displaced persons in camps or settlements obviously must be organized in a different way from that provided when they are integrated into communities; in the latter case, assistance is better organized on a community basis. When internally displaced persons are in hiding, special strategies are needed to secure access to them and provide protection. And then there is the challenging response of those who in the quest for a better life prefer not to

return to their original setting where poverty, marginalization, perhaps even exclusion had dominated their lives.

The causes

14. Common to all of the countries visited, the main cause of displacement is violence in the context of internal conflict. In Sri Lanka, Burundi, Rwanda and the former Yugoslavia, the lines along which conflict occurs are principally ethnic. In Colombia and Peru, these lines are less clearly defined, having mainly to do with the conflicting economic and political backgrounds and objectives of contending groups (e.g. guerrilla forces, paramilitary groups, drug traffickers, armed forces). The underlying historical, political and socio-economic factors both explain and determine the nature of the conflict in each country. Regional parameters, such as the historical and political relationship with neighbouring countries, often also affect the situation in the country concerned.

Protection and assistance concerns

15. In the countries visited, the internally displaced were generally found to have serious protection and assistance needs and were vulnerable to human rights abuses. They generally suffered from a lack of adequate housing, basic health care, counselling and income generation programmes. In Colombia, the perception and treatment of the displaced as a marginalized group often resulted in serious threats to their security such as being tracked down by their persecutors even after they had fled their homes. In Burundi, many displaced Hutus spent weeks hiding in the marshes so that the Tutsi-dominated army would not find and kill them, while displaced Tutsis, protected by the army, were often prevented from returning to their homes, both by the army for political reasons and in fear of their Hutu adversaries. In Sri Lanka, the internally displaced were particularly susceptible to searches at check-points and cordon-and-search operations, and at risk of being returned to areas in which the security situation was precarious. In all cases women heads of household were numerous and faced special protection problems. As manifested in Peru, indigenous peoples forcibly displaced from their lands suffer disproportionately: they lose not only their subsistence base, but also their traditional way of life, and in urban centres, where they often prefer to remain in the quest for better living conditions, become exposed to new forms of discrimination.

Needs of women

16. In most instances, the majority of displaced are women and their dependent children. Women, however, are often marginalized, especially in camp settings, and consulted less than men regarding the nature and distribution of material assistance. This can often have serious consequences for their receipt of adequate relief. Displaced women also face serious security problems. Often, they are subjected to sexual violence which, as well documented in United Nations reports with regard to women in the former Yugoslavia, may be systematic and intended to cause displacement. Many have witnessed killings and atrocities first-hand and may suffer from psychological and physical trauma.

17. Women displaced in the context of armed conflict often become the sole supporters of their families owing to the death, disablement, disappearance or military recruitment of their husbands. Viable economic solutions for women heads of household, however, are often complicated by limited resources and opportunities and discriminatory practices of land inheritance.

Needs of children

18. Displacement also has serious negative effects on children and their development. They regularly suffer from a lack of shelter, warmth, food, health care and education. Separation from their families or being orphaned has left many children unaccompanied, with no one to provide for their needs. As reported in Liberia, Mozambique and the Sudan, displaced children are often prey to forcible recruitment into militia which compel them to commit atrocities against civilians. The problems these children face are immense, especially if they have grown up apart from their families and have been combatants most of their lives. In Peru, for instance, some children are reported to exhibit unusual levels of violence years after they have returned to a "normal" lifestyle.

Differences in treatment of displaced persons and refugees

19. There is considerable discrepancy in the ways in which refugees and internally displaced persons are perceived and treated by the international community, even when they face similar problems in virtually the same circumstances. This was particularly manifest in Burundi, where the level of international involvement with refugees from Rwanda was higher than with those who were internally displaced. In the Sudan, internally displaced persons are also often unprotected and in need, while refugees can have access to a well-developed international system of protection and assistance. This disparity between persons equally in need can prolong the suffering of those internally displaced, engender conflict with those benefiting from more international attention, and frustrate efforts at national reconciliation and development. Clearly, ways must be found to ensure that there is a more equitable distribution of international resources.

Presence of the international community

20. As no one agency is specifically mandated to address the needs of internally displaced persons, international responses to their plight are highly uneven. In some situations, the needs of the internally displaced are met to varying degrees but in others they are largely neglected or not addressed at all. Even in situations where the international community has extensive humanitarian operations, the attention that it provides to the internally displaced may be less than the need requires. Moreover, protection does not constitute a primary area of concern for many of the international agencies involved with the displaced.

21. The constraints to which humanitarian action is subjected in situations of internal displacement offer a partial explanation for international reluctance to become involved. Among the inhibiting factors are: governmental refusal to

recognize the problem or allow entry to international organizations; bureaucratic and administrative procedures that obstruct humanitarian efforts; a precarious security situation; lack of expertise in working with victims of armed conflict; limited resources; and the fact that the displaced in a number of situations do not identify themselves as such but live anonymously dispersed in different communities. Another difficulty for the international community in becoming involved in internal conflict situations is the maintenance of its standing as a neutral and impartial entity. In the midst of war or ethnic rivalry, United Nations agencies have faced difficulties in being perceived as upholding a fully neutral, non-partisan image.

Approach to Governments

22. In dealing with the many and diverse situations of internal displacement, it is important to understand the national context in which they occur, the obstacles to providing adequate protection and assistance, and what needs to be done both by Governments and by the international community to remedy the situation. This can best be done by recognizing, in a spirit of cooperation with Governments, that internally displaced persons fall within the domestic jurisdiction and are therefore under the sovereignty of the countries concerned, but that national sovereignty carries with it certain responsibilities towards those within its jurisdiction. If, during crises of internal displacement, Governments are unable to discharge their responsibilities to provide their citizens with adequate protection and assistance, they are expected to invite, or at least accept, international cooperation to supplement their own efforts. Where Governments or controlling authorities are unable or unwilling to live up to their responsibilities and are not receptive to international assistance, the international community should be expected to assert its concern and fill the vacuum created by the Government's failure to discharge its responsibility.

Areas under insurgent control

23. Special problems arise with respect to situations where internally displaced persons are in insurgent-controlled areas to which access may be limited or not possible because of ongoing conflict or fear on the part of the Government that this could imply recognition of insurgent forces. On the other hand, humanitarian agencies such as UNICEF, UNHCR and ICRC have been able to establish dialogues with both Governments and non-governmental actors in different countries in order to negotiate access to persons on all sides of conflict situations. NGOs also have managed to work behind insurgent lines and in recent years have begun to monitor the compliance of non-governmental actors with international humanitarian law and human rights principles. Some Governments have indeed drawn attention to the fact that insurgent forces are often responsible for violations of humanitarian law and should therefore be held accountable. The mandate of the representative has benefited from openings created by humanitarian organizations and NGOs.

24. Direct contact with insurgent authorities under compelling and appropriate humanitarian conditions should also be recognized as an indispensable aspect of the mandate. Furthermore, since peace is the ultimate solution to the problem of displacement, it clearly is a correlative responsibility of the mandate to

convey that message to the parties; contact with both sides may therefore be a practical imperative.

B. Impact and follow-up to visits

25. Missions offer opportunities to discuss specific issues with Governments and international organizations and to reach agreements which can lead to actual improvements in the situation. Governments have generally been responsive to on-site visits and have welcomed the resulting reports as constructive contributions to understanding the crisis in their countries and facilitating an appropriate cooperative approach. Local and international NGOs have found that the representative's missions raise domestic awareness of the problem and help encourage solutions by government authorities, NGOs and relief agencies. Moreover, the mere fact of a visit attracts the attention not only of the Government but also of other elements of the society and generates a discourse that stimulates internal initiatives to deal with the problem.

26. At the same time, no established procedure or mechanism exists to monitor situations in countries visited and to ensure that the points agreed upon are implemented. The Commission on Human Rights has emphasized the importance of follow-up activities in its resolutions 1994/68 and 1995/57, and United Nations agencies, in particular UNDP, have declared their commitment to cooperate with the representative in this area. The Inter-Agency Task Force on Internally Displaced Persons, chaired by the Department of Humanitarian Affairs, could also play a role in monitoring the conditions of internally displaced persons in particular countries and keeping the representative apprised of the situation. NGOs with a presence in the country could do likewise.

27. Also essential are follow-up communications and, if possible, follow-up visits by the representative. Opportunities for the latter, however, are constrained by limited resources. Follow-up information is being received by Governments, intergovernmental organizations and NGOs in the countries visited. In addition, the reports by country-specific rapporteurs of the Commission on Human Rights often provide updated information on the situation of the internally displaced.

28. The following are some examples of the recent exchanges that have taken place subsequent to on-site visits and some of the new information provided by in-country sources.

Colombia

29. The representative's urgent appeal of 2 June 1995 concerning the displacement of 15 families from the Santander village of La Leal received a reply from the Government on 10 July 1995. It noted the completion on 20 May 1995 of the supervised and voluntary return of the families. The Government also reported its intention to convene a meeting in July with civil, military and religious leaders, NGOs and local community organizations in order to avert similar incidents. A second reply, dated 21 July 1995, to an earlier urgent appeal of 22 August 1994 to protect against forcible displacement by military and paramilitary forces of settlements in the region of Santander,

detailed corrective measures taken, including an investigation into the security situation inducing displacement, a meeting with the displaced families who expressed their wish to return to their places of origin, and a commitment by the Government to ensure that this return would occur under conditions of safety.

30. The Government has also reported on steps it has taken to seek to alleviate the plight of the internally displaced. These measures include establishing a follow-up commission in charge of analysing and promoting the fulfilment of the recommendations made by the representative and special rapporteurs, creating an "Information System on Displaced Populations" in cooperation with the International Organization for Migration (IOM), charging the newly established Ministry of the Interior with the development of a programme of protection and security for persons threatened with violence, implementing a National Communication Network for Human Rights Protection to counter impunity, and creating rural security cooperatives.

31. Some of these initiatives, however, have elicited expressions of serious concern. The creation of rural security cooperatives has been criticized, even by some members of the Government, as a means of legitimizing paramilitary groups while the creation of a database on displaced persons may impinge upon the right to privacy if adequate guarantees are not provided. In addition, the mechanism established jointly last year by the Government and NGOs to follow up on progress made in addressing the needs of the displaced has reportedly discontinued its activities.

32. At the same time, NGOs report that the type of violations described in the representative's report continues to occur and that new internal displacement is taking place. Political violence in the Urabá region has reportedly displaced up to 15,000 people since the end of last year.

33. In his mission report the representative had called for strengthened protection of the right to land and property, for more rigorous observance of humanitarian law, in particular of the provisions that prohibit displacement and protect the right to life and physical integrity, and for closer cooperation between the authorities and NGOs in the provision of assistance and protection to the displaced. The representative has not yet received a reply to the note verbale of 31 May 1995 requesting specific information on the extent to which his recommendations are being implemented. A follow-up mission to Colombia at the invitation of the Government is being considered.

Sri Lanka

34. Follow-up monitoring in Sri Lanka initially revealed encouraging developments since the representative's two reports (E/CN.4/1994/44/Add.1 and E/CN.4/1995/50). 6/ The Government undertook protective measures for the internally displaced such as minimizing military and security operations near the welfare centres where they are housed and investigating the thousands of cases of persons who had disappeared in the course of the ongoing armed conflict. It also cooperated with international humanitarian operations which address the needs of the displaced and itself provides relief aid, which it promised to increase, to persons under the control of the main opposition group.

However, the recent breakdown of the peace process and the resurgence of violent clashes between the Government and the Liberation Tigers of Tamil Ealam (LTTE) has led to further displacement. The Government's large-scale military offensive of 9 July 1995 north of the city of Jaffna, involving intensive artillery shelling and air strikes, immediately forced the flight of tens of thousands from the area. 7/ In addition, the security situation in the east and in Colombo has deteriorated significantly due to an intensification of insurgent activities which, in turn, has significantly slowed the resettlement and return of the displaced in these areas.

The Sudan

35. In 1992, the representative undertook a mission to the Sudan, which houses one of the largest internally displaced populations in the world. He visited camps of internally displaced persons who had fled to the capital from the south, but who then had been relocated by the Government to camps outside Khartoum. In his ongoing dialogue with the Government, the representative has acknowledged the services rendered to the internally displaced but has also noted the continuing grave situation, as highlighted in the most recent reports by the Special Rapporteur on the situation of human rights in the Sudan (A/49/539, annex and E/CN.4/1995/58) and in Commission on Human Rights resolution 1995/77. The representative has continued to urge the Government to implement the recommendations made following his mission (see E/CN.4/1993/35, annex, paras. 202-235), in particular that internally displaced persons moved to camps outside the capital should be allowed to go either back to their areas of origin or to settlements close to them and accorded the protection and assistance necessary for their resumption of normal and self-sustaining rural life. Alternatively, those who choose not to return should be free to move into any areas in the country, including urban centres, and given the necessary assistance to integrate into these areas. Although the representative has received a reply from the Government reaffirming its concern for the internally displaced and its intention to improve their conditions, no information on specific measures taken in that regard has been received.

Burundi

36. In the report following his mission to Burundi in September 1994 (E/CN.4/1995/50/Add.2 and Corr.1), the representative noted that unless sustainable peace is achieved, ethnic violence and therefore the crisis of displacement would probably continue. Subsequent to that visit, the Special Rapporteur on the situation of human rights in Burundi reported that ongoing ethnic violence in the city of Bujumbura has induced numerous displacements, principally involving the Hutu community in the areas of Bwiza, Buyengi, Kinama and Kamenge. In the first fortnight of June 1995 alone, an estimated 50,000 to 100,000 men, women and children reportedly fled from Kamenge to the surrounding hills and banana plantations, where potable water, food and adequate shelter are in short supply and where cases of malaria and bacillary dysentery have been reported. Meanwhile, a breakdown of law and order has been reported, with the judicial system in a state of paralysis making it possible for persons to commit serious acts of violence against the civilian population with impunity.

37. Following his mission to the country in April 1995, the Special Rapporteur on extrajudicial, summary or arbitrary executions reported that international aid for many of the internally displaced has been cut off in an attempt to avoid a situation of dependency and to encourage their return to their places of origin (see E/CN.4/1996/4/Add.1). This situation has exacerbated the tension between the internally displaced and the Rwandan refugees in Burundi, who continue to receive international aid. The disparity in the treatment, also pointed out in the representative's report, regrettably has led to further violence. For example, in April 1995, in Muyinga, internally displaced persons reportedly interrupted 18 World Food Programme trucks transporting supplies intended for refugees. Although a Ministry for the Reintegration of Displaced Persons and Returnees was created in October 1994 to seek solutions to these problems, the representative is concerned by complaints of the internally displaced of a lack of concrete measures to assist them or to facilitate their return and reintegration in their communes of origin. The representative has raised these issues with international organizations, including in meetings of the Inter-Agency Standing Committee (IASC), in order to secure greater attention for those internally displaced and, as a result, several international humanitarian organizations have agreed to look into these problems.

Rwanda

38. In 1994, the Government of Rwanda announced its intention to forcibly close the camps of internally displaced persons. During his mission to Rwanda in December 1994 (see E/CN.4/1995/50/Add.4), the representative found that while the Government had legitimate reasons for wanting to close the camps, it was also evident that security conditions in areas of return were far from safe. The representative therefore strongly urged the Government not to coerce displaced persons to move to unsafe areas or areas where they would be unable to sustain themselves. In April 1995, however, the Government's forcible closure of the camps and the excessive use of force by the army reportedly resulted in the death of up to 2,000 displaced persons in the Kibeho camp. This was the largest massacre of internally displaced persons in a camp in recent history.

39. In a public statement of 24 April 1995, the representative deplored the forcible closure of the camps, and reiterated his call to the Government to respect the right of displaced persons to return in conditions of safety and dignity, and to have their rights to life, liberty and security ensured. He stressed the need for the Government to demonstrate a clear commitment to cease the use of lethal military force and to cooperate with the international community in the provision of protection and assistance to the displaced.

40. In April 1995, the Government announced the establishment of an independent International Commission of Inquiry on the Events at Kibeho and invited representatives of the Organization of African Unity (OAU) and of several countries to participate in its work. In its report of May 1995, the Commission recommended, inter alia, that the Rwandese authorities carry out an analysis of the mistakes which occurred in the preparation and handling of the closure of the camps and an investigation of individuals within the armed forces who may have been responsible for contributing to the event. It also regretted that United Nations agencies and NGOs were not able to contribute more efficiently to the speedy evacuation of internally displaced persons from the Kibeho camp. In

addition, the Inter-Agency Task Force on Internally Displaced Persons, of which the representative is a member, has been requested by the Under-Secretary-General for Humanitarian Affairs to study the situation in Kibeho and to make recommendations for preventing such incidents in the future.

The former Yugoslavia

41. Since the representative's joint mission with the Special Rapporteur on the former Yugoslavia in 1992, the situation has worsened considerably. Renewed offensives on the six United Nations-designated safe areas of Sarajevo, Srebrenica, Zepa, Gorazde, Tuzla and Bihac placed at risk large numbers of internally displaced persons who had taken refuge there. The fall of Srebrenica in July 1995 forced the displacement of an estimated 23,000 women and children, while another 11,000 persons, mostly men, remain unaccounted for. A subsequent offensive on Zepa induced the flight of up to 16,000 persons.

42. Citing "above all the fact that the United Nations has allowed Srebrenica and Zepa to fall", the Special Rapporteur for the former Yugoslavia, Mr. Tadeusz Mazowiecki, announced his resignation in a letter dated 27 July 1995 to the Chairman of the Commission on Human Rights (E/CN.4/1996/9, annex I). While the departure of Mr. Mazowiecki is highly regrettable, it is to be hoped that it will precipitate a response from the international community to effectively protect the civilian population, including the internally displaced, from the atrocities occurring there.

43. With regard to Croatia, the Special Rapporteur on the former Yugoslavia reported on 5 July 1995 (see E/CN.4/1996/6) that the Croatian offensive of 1 May against United Nations Protected Area Sector West induced the flight of up to 10,000 from this Serb-populated area into Serb-held areas of Bosnia and Herzegovina and also resulted in serious violations of human rights. He also reported on the internal displacement within Croatia of thousands fleeing from Sector West to Serb-held Sector East.

C. Countries not visited

44. The problem of internal displacement affects far more countries than the missions of the representative would indicate. It is a global phenomenon warranting a more extensive system of on-site monitoring and follow-up than the present resources of the representative will allow. The representative is grateful for the information provided on internal displacement by other special rapporteurs of the Commission on Human Rights on countries that he has not visited, in particular, Afghanistan, Cambodia, Iraq, Myanmar and Zaire. Their information on internal displacement is summarized in the representative's report to the Commission (E/CN.4/1995/50, paras. 80-86). The representative urges the Governments to take due consideration of the recommendations of the special rapporteurs as well as those of other human rights mechanisms and treaty bodies which address, directly or indirectly, the plight of the internally displaced. The representative also appreciates the valuable information provided on internally displaced populations by thematic rapporteurs.

45. In many other countries, internal displacement is also a grave problem but one about which no United Nations human rights mechanism is specifically reporting. It is the intention of the representative to visit some of these countries in the near future in order to gain a better understanding of the situation of internal displacement.

Kenya

46. In Kenya, UNDP, in cooperation with the Government, other United Nations agencies and NGOs has designed a programme to support the return of an estimated 300,000 internally displaced persons, displaced by ethnic violence since 1991. The programme provides for mediation between ethnic groups, the supply of material assistance and the initiation of development programmes. It is reported that implementation has been slow and that most internally displaced persons have been unable to return to their land. The representative has had discussions with United Nations agencies in Nairobi about the programme and has expressed interest in seeing how it is progressing. The representative is currently awaiting the Government's reply to his request to undertake a mission to Kenya.

Tajikistan

47. The six-month civil war in Tajikistan in 1992 resulted in the displacement of more than 500,000 persons, most of whom are internally displaced. Since March 1993, most of the internally displaced have reportedly returned to their places of origin, with the assistance of UNHCR and ICRC. Since it is feared that certain protection problems could worsen with the anticipated withdrawal of UNHCR, continued monitoring is needed. UNHCR has secured the agreement of the Organization on Security and Cooperation in Europe (OSCE) and ICRC to assume some protection functions for returnees. It is also reassuring that the reintegration projects introduced by UNHCR in areas of return will be continued by UNDP and other development agencies. The representative is currently discussing with the Government the possibility of undertaking a mission to Tajikistan.

Russian Federation (Chechnya)

48. The outbreak of conflict in Chechnya in December 1994 induced mass displacement within the Russian Federation. By January 1995, 150,000 people had fled from the conflict area to the neighbouring autonomous regions of Ingushetia, Dagestan and North Ossetia, and to the Stavropol region of Russia, while 260,000 of the displaced remained within Chechnya. In May 1995 a representative of the United Nations High Commissioner for Human Rights undertook a mission to the Russian Federation, including Chechnya and Ingushetia, in order to make an overall evaluation of the human rights situation in Chechnya, including an assessment of related needs, and to analyse the possible contribution of the United Nations to the promotion and protection of human rights in the region. The representative has followed closely the ongoing dialogue between the High Commissioner and the authorities of the Russian Federation concerning human rights protection in Chechnya, particularly for the internally displaced.

Turkey

49. In south-eastern Turkey there are an estimated 2 million displaced persons who have been uprooted largely following the Turkish Government's campaigns against the Kurdish Workers' Party (PKK) guerilla movement. On 4 April 1995, and in response to the Turkish invasion of Iraq on 20 March 1995, the representative, together with the Chairman of the Working Group on Arbitrary Detention, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and the Chairman of the Working Group on Enforced or Involuntary Disappearances, issued a joint urgent appeal calling upon the Government to take all necessary measures to ensure the protection of the rights, inter alia, to life and to physical and mental integrity of Turkish and Iraqi ethnic Kurds. The Government's reply of 6 April stated that the signatories of the appeal do not have a mandate to oversee the performance of States in armed conflict, arguing that such circumstances fall within the ambit of international humanitarian law. Underlining that human rights law is applicable in all circumstances, including armed conflict, whether it occurs in an area under State control or in an area where State agents operate, a letter of 10 May reiterated the joint urgent appeal of 4 April. In its reply of 16 June, the Government indicated that its position on the matter was unchanged. In the meantime, the representative has initiated a dialogue with the Government regarding the possibility of a mission to Turkey.

IV. COLLECTION OF INFORMATION

A. Sources of information

50. The availability of credible and up-to-date information is a requirement for the fulfilment of the mandate. Currently, the main sources of information available on the internally displaced are the fact-finding missions; reports of other United Nations human rights mechanisms; reports by United Nations agencies in the field; NGO reports; and communications by Governments. A potential source of further information are human rights field officers deployed under the auspices of the High Commissioner for Human Rights in areas where there are substantial numbers of internally displaced persons.

B. Developing an information system

51. The collection of information needs to be systematized so as to provide a pool of information on the various dimensions of internal displacement, including how the problem of internal displacement is manifested in individual countries, what remedies are provided by Governments and the international community, and what gaps exist that need to be filled. At present, the absence of a central point within the United Nations system to bring together information on internally displaced persons is a serious gap. The creation of an information centre modelled on UNHCR's Centre for Documentation on Refugees (CDR) established by UNHCR but specific to the internally displaced would assist in ensuring that all situations of internal displacement are detected and well documented. It has also been suggested that NGOs should establish information networks in collaboration with the representative and that regional

information exchange networks should be created. Collaborative arrangements should be encouraged. An information system that systematically collects data on serious cases of internal displacement would go a long way towards identifying problems and alerting United Nations bodies to situations requiring attention.

Early warning information

52. Although Governments and NGOs have repeatedly called for more developed early warning systems within the United Nations, experience has shown that such information is in vain unless there is a corresponding "early listening" on the part of the international community. This year, the Ad Hoc Consultation on Early Warning of New Mass Flows of Refugees and Displaced Persons submitted its final report to the Administrative Committee on Coordination for consideration of its findings and recommendations. The representative looks forward to close association with early warning activities so that he will be in a better position to identify situations that could lead to mass displacement and mobilize action to address those situations.

V. LEGAL STANDARDS

53. There is at present no clear formulation of the legal principles applicable to internally displaced persons and no instrument focused on their particular needs. The development of a targeted instrument would be particularly helpful in dialogues of the representative and of humanitarian organizations with authorities in the countries concerned. Both the United Nations High Commissioner for Refugees and the Under-Secretary-General for Humanitarian Affairs have underlined the importance of establishing a legal framework for the internally displaced.

A. Development of the legal framework

54. In his 1993 comprehensive study the representative concluded that it would be valuable to prepare a compilation/commentary of the existing international standards relevant to the protection of the rights of internally displaced persons, as well as their further elaboration and inclusion in a body of principles. At the request of the representative, the compilation of norms was undertaken by three highly accredited institutions: the Ludwig Boltzmann Institute for Human Rights (Vienna), which prepared one paper, and the American Society of International Law jointly with the International Human Rights Law Group (Washington, D.C.) which prepared another (both are included in E/CN.4/1995/50/Add.3 and E/CN.4/1995/CRP.1). The Legal Round Table hosted by the Government of Austria in October 1994 gave experts and representatives of international agencies the opportunity to discuss the two papers. This meeting decided that the two compilations should be merged into one document identifying the needs of internally displaced persons and the corresponding legal standards relevant to their protection. This document was prepared and presented to two more round tables, one in Geneva in May 1995, and another in Washington, D.C. in September 1995, for further discussion. The document will be presented to the Commission on Human Rights at its fifty-second session. A further meeting of

experts, to be held in Vienna in 1996, is expected to commence work on developing a legal framework applicable to the internally displaced on the basis of the compilation/commentary.

55. In his report to the Commission on Human Rights (E/CN.4/1995/50, paras. 111-112), the representative indicated some areas where gaps exist in international law and also indicated a number of areas where specific norms could be enunciated to provide better protection (E/CN.4/1995/50, para. 135). For example, there are areas in which the law fails to provide sufficient protection for internally displaced persons such as in the case of forcible return to conditions of serious danger; the need for personal identification, documentation and registration in order to ensure the means to exercise one's legal rights; the protection of relief workers, their transports and supplies; as well as access by humanitarian agencies to provide protection and assistance to internally displaced persons. Finally, the Committee on Internally Displaced Persons of the International Law Association has observed that international law as it pertains to internal displacement can be distinguished in the following ways: the norms applicable before situations of internal displacement occur; the norms applicable in situations of internal displacement; and the norms to be applied in order to solve situations of internal displacement (E/CN.4/1995/50, para. 137). The legal framework to be developed will take note of these different areas of the law.

56. The representative's efforts to compile existing international standards regarding the internally displaced and to develop a legal framework have received wide support, in particular from the Under-Secretary-General for Humanitarian Affairs; the UNHCR Executive Committee (Conclusion adopted in October 1994); the Addis Ababa Document on Refugees and Forced Population Displacements in Africa (adopted at an OAU-UNHCR seminar in 1994); the San José Declaration on Refugees and Displaced Persons (adopted by experts from all OAS member States in December 1994); and the United Nations High Commissioner for Human Rights who has underlined the importance of the representative's bringing together human rights, humanitarian and refugee law in developing norms applicable to the internally displaced (E/CN.4/1995/50, para. 138). It should finally be noted that the Subcommission on Prevention of Discrimination and Protection of Minorities recently adopted resolution 1995/13 on freedom of movement which, inter alia, affirmed the right of persons to remain in peace in their own homes, on their own lands and in their own territories, also affirmed the right of refugees and displaced persons to return, in safety and dignity, to their country of origin and/or within it, to the place of origin or choice, and urged Governments and other actors involved to do everything possible in order to cease at once all practices of forced displacement, population transfer and "ethnic cleansing".

B. Definitional issues

57. The description in the 1992 report of the Secretary-General (E/CN.4/1992/23, para. 17) of the internally displaced as "persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters; and who are within the territory of their own

country" has served as the working definition of the mandate. This definition, however, is in need of review. The Legal Round Table in Vienna questioned the inclusion of the terms "home", "in large numbers" and "their own country" and suggested as an alternative definition: "Persons or groups of persons who have been forced to flee their homes or places of habitual residence suddenly or unexpectedly as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters, and who have not crossed an internationally recognized State border."

58. Common to both of these definitions are the two essential elements of internal displacement: coerced movement and remaining within one's national borders. Both also enumerate the various causes of displacement but some differences have arisen on this issue. One view is to limit the scope of the definition to those who, if they had left their own country, would be considered refugees 8/ under the broader refugee definitions contained in the 1969 OAU Convention and the 1984 Cartagena Declaration, and employed by the 1989 International Conference on Central American Refugees (CIREFCA) 9/ and the Permanent Consultation on Internal Displacement in the Americas (CPDIA). 10/ These definitions share an emphasis on a presumed element of fear of persecution and on the need for protection from large-scale human rights abuse emanating from internal strife or armed conflict; they are consistent with the Commission's own interest in and action with respect to the internally displaced. The "refugee-like" standard, however, is not unanimously accepted owing to its exclusion of persons displaced by natural disasters and other suggested categories such as those relocated by development projects or by economic and environmental causes.

59. Some have questioned whether there should be a definition at all, on the grounds that entitlement to assistance and protection should be based not on the fulfilment of formal criteria, but on need. To be sure, in situations where all persons are at risk, assistance and protection should be provided to those who require it, no matter what category they are in. At the same time, it should be recognized that those internally displaced often share certain problems and characteristics that need to be delineated. Too often, the scope of the target population receiving assistance and protection does not adequately include those who are internally displaced. It is indisputable, for instance, that there is considerable discrepancy in the ways in which refugees and internally displaced persons are perceived and treated by the international community, even when they face similar problems and sometimes in virtually the same circumstances. The main purpose of the definition is not to create a new category of persons having special rights, but to ensure that protections recognized as the rights of persons in certain situations are extended to others in analogous situations and thereby promote a more harmonious and coherent approach to human rights.

VI. INSTITUTIONAL MECHANISMS

60. As no single operational agency in the international system has responsibility for the internally displaced, the most effective system at this point is one that builds upon existing capacities and institutions. In recent years, there has been a growing willingness on the part of the international community to assume greater responsibility for the internally displaced. To be

sure, responsibility for assisting and protecting internally displaced persons lies in the first instance with the home country. If, however, the country is unable or unwilling to meet the minimum standards required by humanitarian or human rights law, then these guarantees may have to be met through international assistance. Both within and outside the United Nations system, intergovernmental, regional and non-governmental bodies are actively exploring and developing new approaches to increasing assistance and protection for the internally displaced, and definite progress is under way towards developing a more coherent approach.

61. The mandate on internally displaced persons has been carried out in close cooperation with international agencies. The representative has maintained close contacts with the Secretary-General, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the Under-Secretary-General for Humanitarian Affairs, the Administrator of UNDP, the Executive Director of WFP, the Chairman of ICRC, as well as the senior officials and directors of regional bureaux within these organizations to foster cooperative links and exchange of information on developments in policy and in the field. He has also actively participated in the work of the Inter-Agency Task Force on Internally Displaced Persons, chaired by DHA. During his missions to the field, the representative has held extensive consultations with the officials of resident United Nations and other humanitarian agencies.

A. United Nations and other entities

62. While the United Nations system has not yet developed a comprehensive plan for improving its capacity to respond to situations of internal displacement, important developments have occurred in the work of all humanitarian agencies that have involvement with the internally displaced. The representative's report to the Commission on Human Rights reviewed the capacities and the role that existing institutions play on behalf of the internally displaced (E/CN.4/1995/50, paras. 139-174). 11/ A brief summary follows, with particular attention paid to protection.

63. Office of the United Nations High Commissioner for Refugees. Although its mandate does not include internally displaced persons, UNHCR has increasingly become involved in situations of internal displacement at the request of the Secretary-General or the General Assembly. In 1993 UNHCR adopted criteria for its involvement with the internally displaced which provide that it will assume "primary responsibility" in situations where there is "a direct link" with its basic activities for refugees. Although UNHCR does not become involved in all situations of internal displacement, when it does its activities generally span assistance, protection and reintegration support. UNHCR has found that protection activities in countries of origin, namely defending the human rights and physical safety of those internally displaced, present many challenges which are detailed in a recent report on UNHCR's operational experience with internally displaced persons. 12/ An overriding general concern is that UNHCR's increasing involvement with the internally displaced will detract from the agency's primary responsibility of helping refugees in countries of asylum. Even so, UNHCR admits that it is not always reasonable or possible to distinguish between refugees and the internally displaced in its operations.

The General Assembly has called upon the agency to continue to undertake protection and assistance activities for the internally displaced and has further recognized the importance of UNHCR's close cooperation with both the representative and ICRC on these issues.

64. International Committee of the Red Cross. Of all the institutions dealing with internally displaced persons, ICRC - an agency not part of the United Nations system - has the clearest mandate to provide both assistance and protection to the internally displaced, at least in so far as they are civilian victims of armed conflict. In such instances, ICRC seeks to ensure that the Geneva Conventions of 12 August 1949 are applied. Among ICRC's organizational strengths is that it extends protection to both sides in conflict situations and seeks to address the needs of those beyond the reach of other humanitarian organizations. At the same time, not all States allow entry to the ICRC or admit that a non-international armed conflict is taking place on their territory. Moreover, ICRC is sometimes precluded from involvement when internal displacement is unrelated to warfare. Although ICRC's independence sometimes complicates its ability to collaborate with other agencies, in recent years ICRC has found effective ways of working in closer consultation with United Nations agencies in humanitarian emergency situations.

65. United Nations Development Programme. In most emergency situations, the UNDP resident representatives serve as the resident coordinators of the United Nations system. As resident coordinators, they are charged with "coordinating assistance for internally displaced persons" in close cooperation with Governments, donors and United Nations agencies in the field (General Assembly resolution 44/136). When it comes to addressing protection issues, many resident coordinators fear that raising such concerns could jeopardize their principal role as resident representatives closely cooperating with Governments on development programmes. Moreover, a number of Governments have objected to the weaving of humanitarian and human rights issues into development themes. 13/ At the same time, more and more resident coordinators are finding that the delivery of assistance is often interlinked with protection problems and that human rights protection issues are within the ambit of all United Nations activities according to the Charter. When resident coordinators are not in a position to raise protection issues, they should be expected to develop closer working relationships with those who can. In the specific case of internal displacement, they should be expected to contact the representative on internally displaced persons and the Inter-Agency Task Force on Internally Displaced Persons. The UNDP Administrator has shown considerable interest in the work of the representative and a cooperative relationship with the resident coordinators has begun which promises to facilitate the mandate significantly.

66. United Nations Children's Fund. UNICEF has become involved in many situations of internal displacement through its efforts to improve the lives of women and children by providing services in the areas of health care, education, nutrition and sanitation. While its primary concerns are relief and development, it has addressed protection problems when they affect the delivery of assistance by securing agreement for relief corridors, such as Operation Lifeline Sudan, or by mounting cross-border operations. UNICEF also was a leading advocate of the Convention on the Rights of the Child and could, on the basis of the Convention, exercise increased authority in the area of child

protection. In 1995, UNICEF put forward a set of principles to guide all agencies in assisting internally displaced persons, which includes the "protection of IDPs from human rights violations".

67. World Food Programme. Internally displaced persons represent the largest category of beneficiaries of World Food Programme (WFP) relief aid, or about 35 per cent of the 57 million persons WFP assists. WFP's food aid also supports return, reintegration and development projects in which internally displaced persons are involved. Although protection concerns fall outside its mandate, it does negotiate access and safe passage for its food and personnel and has also lodged protests; however, it turns to others to intercede.

68. World Health Organization. In monitoring the health situation and health care delivery systems in member States, WHO becomes involved in situations of internal displacement when health services have been disrupted, or when internally displaced persons are identified as a "special" group, requiring the expertise of WHO for the provision of health services. Only in recent years has WHO become involved in emergency situations. In 1991, it developed an emergency preparedness programme, Health and Development for Displaced Persons (HEDIP), and in 1993 it reorganized its Division of Emergencies and Humanitarian Action. Its Executive Board and the World Health Assembly have approved its assuming a more active role in addressing emergency situations and in undertaking initiatives to benefit internally displaced and other populations.

69. International Organization for Migration. IOM's Constitution specifically mandates it to provide migration assistance to "displaced persons", includirg those internally and externally displaced, with the consent of the State concerned. Its activities include the organizing of transport, evacuations and returns, analysis of migratory flows, development of population information systems and technical assistance. More recently, it has begun to assist with the return and reintegration of displaced persons, for instance in Peru. For IOM, protection and assistance are closely linked but some of the activities IOM undertakes raise protection concerns that need to be addressed both by IOM and other organizations that engage in such work. For example, transporting people back to war-torn countries or the movement of ethnic groups from one area of a country to another raises concerns about whether the movements are voluntary and whether the conditions are sufficiently safe to warrant return. While IOM is bound by a number of constitutional safeguards and guidelines, attention should be given to increased collaborative monitoring with human rights bodies to ensure effective protection during the return and resettlement process. Similarly, additional criteria and guidelines should be considered.

70. United Nations High Commissioner for Human Rights. The United Nations High Commissioner for Human Rights, with a general mandate for prevention, promotion and protection of human rights, can lend authority and support to efforts to provide improved protection to the internally displaced and is in a position to raise specific cases of internal displacement in his dialogues with Governments. In particular, he has actively participated in preparations for the upcoming regional conference to address the problems of refugees, displaced persons, and other forms of involuntary displacement of returnees in the countries of the Commonwealth of the Independent States (CIS) and relevant neighbouring States. He has indicated a strong interest in ensuring that the recommendations made by

representatives and special rapporteurs of the Commission are carried out, and in particular he has expressed his support for the work of the representative. The High Commissioner has given special importance to strengthening the ability of the Centre for Human Rights and the Commission to react rapidly to human rights emergencies. Under his authority, field officers are now dealing with human rights issues of internal displacement in Rwanda, Cambodia, Croatia, Bosnia and Herzegovina and Burundi.

71. Department of Humanitarian Affairs. The need for more effective coordination of humanitarian assistance led to the creation in 1991 of the post of Emergency Relief Coordinator (or Under-Secretary-General for Humanitarian Affairs), and subsequently the Department of Humanitarian Affairs. The Department's responsibilities include determining which humanitarian emergencies require coordination by the United Nations, assigning responsibility to agencies in the field, and coordinating a consolidated appeals process to mobilize funds. As noted above, the Under-Secretary-General for Humanitarian Affairs also retains a direct link to the field through resident coordinators who report to him when dealing with humanitarian issues. One of the more important roles of the Under-Secretary-General is to act as the United Nations system's advocate for humanitarian causes, including situations of internal displacement. Although the Department has no protection responsibilities per se, it cannot effectively coordinate emergency assistance or negotiate access to emergency areas without acknowledging the integral link between humanitarian assistance and protection.

B. Strengthening collaborative arrangements

72. Mobilizing and coordinating existing capacities in a timely and effective manner would contribute to meeting more adequately the needs of internally displaced populations. In an effort to develop a more coordinated response to the assistance and protection needs of the internally displaced, the Inter-Agency Standing Committee (IASC) in December 1994 designated the Emergency Relief Coordinator as the central reference point within the United Nations system to review requests for assistance and protection on actual or developing situations of internal displacement that require a coordinated response. This had been a major recommendation of the representative in the comprehensive study he submitted to the Commission on Human Rights in 1993 and is an important first step towards the development of a more coherent system for dealing with internally displaced populations. IASC also reconstituted and approved new terms of reference for its Task Force on Internally Displaced Persons, in which the representative participates. The Task Force has been authorized, inter alia, to review current situations of potential or actual internal displacement, assess the assistance and protection needs of the affected populations, and recommend a division of labour among relevant institutions and organizations to address those needs. Only if the Task Force cannot reach a consensus will the issue be brought to IASC or its working group for decision. At the field level, a letter dated 31 July 1995 from the Emergency Relief Coordinator assigned responsibility for in-country coordination to the Disaster Management Team headed by the resident representative/coordinator, or any other mechanism established to deal with a specific humanitarian crisis. Taken together, these steps at improving coordination, if effectively implemented,

could markedly improve the way in which the needs of internally displaced persons are addressed.

C. Comprehensive approach to assistance and protection

73. Internally displaced persons generally have both assistance and protection needs but, as noted above, international efforts on their behalf have focused largely on providing relief. In emergency situations, inter-agency needs assessments often do not address the physical safety of the affected population. Those sent to assess emergency situations generally have expertise in food distribution, nutrition, health and shelter, but not in how to deal with the human rights and protection problems of the affected population.

74. In recognition of the need for greater integration of human rights and humanitarian concerns into the assistance activities of its members, IASC decided in December 1994 to invite the representative of the Secretary-General and the United Nations High Commissioner for Human Rights to its meetings whenever issues relating to their respective mandates are discussed. Significant progress is being made towards a comprehensive approach that addresses both protection and assistance concerns.

75. More extensive discussions are needed, however, by humanitarian agencies and human rights organizations to explore the best means of providing protection in emergency situations of which internally displaced persons are a part. In places like Rwanda and Bosnia and Herzegovina, the difficulty of protecting human rights has been made painfully apparent. It is important that relief and development agencies explore the extent to which they can become more involved in addressing the protection problems that affect the delivery of assistance and that human rights organizations expand their operational capacity to do so.

D. Expanded role for human rights bodies

76. The 1993 World Conference on Human Rights emphasized the importance of United Nations human rights bodies giving special attention to the issue of internal displacement. Accordingly, the Centre for Human Rights has pledged, subject to the availability of resources, to assume a more active role in addressing the root causes and effects of displacement as well as the provision of effective protection and assistance to displaced persons. 14/

77. Strengthening the international presence in locations where there are protection problems is a crucial way for human rights bodies to contribute to the better protection of the internally displaced. As experience in El Salvador, the former Yugoslavia and Rwanda has shown, human rights officers can play an important role in collecting information, ascertaining protection needs, contacting local authorities about protection problems, alerting Governments and the international community to problems requiring attention, and assisting in the actual return process. With increased operational experience and training, human rights bodies, in time, should be better able to address the shortcomings in the current system of on-the-ground protection. In addition, through its technical assistance and advisory services programme, the Centre for

Human Rights could help strengthen national institutions for human rights protection and support the creation of ombudspersons and other remedies to protect the internally displaced. The Centre could also provide training in human rights law and practice to the staff of humanitarian organizations and to United Nations peace-keeping forces so that they are better prepared to deal with internally displaced persons.

E. Options for institutional reform

78. The growing willingness on the part of the international community to assume increased responsibility for the internally displaced should not obscure the fact that many situations of internal displacement go unaddressed or are insufficiently addressed by the United Nations system in the absence of an organization, or collection of organizations, mandated to address the assistance and protection needs of the internally displaced. Neither the political will nor the resources, however, exist at the present time to support the creation of a new agency responsible for the internally displaced. It is pointed out, moreover, that internally displaced persons have needs spanning the entire range of United Nations agencies and that the creation of a new agency would risk duplicating existing resources and capacities.

79. An alternative to the creation of a new agency would be to enlarge the mandate of an existing one to include the protection and assistance needs of the internally displaced. Legally and operationally, UNHCR has generally been considered the best equipped institution to deal with this issue. The United Nations High Commissioner for Refugees, however, has pointed out that the magnitude of the problem far exceeds the organization's capacity. UNHCR has clearly defined the extent and conditions under which it has a mandate to undertake activities on behalf of the internally displaced and has called for a collaborative approach. 15/

80. If the option of a system-wide approach is to be supported, however, a first and most important step must be the creation of an effective coordinating mechanism to assign responsibility when a serious situation of internal displacement arises and ensure that both the protection and assistance needs of the internally displaced are adequately met. The recent designation by the IASC of the Emergency Relief Coordinator as the central reference point for receipt of requests for assistance and protection and the reconstitution of the Task Force on IDPs under strengthened terms of reference could lead to a more effective coordinated response. Since these arrangements have only recently been put in place, it is too early to assess how effective the new system will be or whether other options would prove more effective.

F. The role of the mandate

81. Within the current system-wide approach, the role of the representative is to act as a link and a catalyst among the various organizations of the United Nations involved with policy formulation and operational programmes as regards the internally displaced. Through his participation in the Standing Committee and the Task Force, he can act as an advocate for the displaced and seek to

ensure that protection and human rights criteria are sufficiently understood and taken into account in the planning and execution of activities in favour of displaced persons. Since protection does not come within the mandate of the Emergency Relief Coordinator as now defined, the mandate of the representative can be viewed as a complementary one with respect to the internally displaced.

82. For the representative to carry out his responsibilities effectively, however, his capacity needs to be strengthened. As has already been noted, there is a considerable gap between the aspirations of the mandate of the representative and his capacity to pursue them. As a result, the representative has turned to persons and institutions outside the United Nations system to assist in discharging the responsibilities of the mandate. Notwithstanding their important assistance, there are nevertheless steps that should be taken within the United Nations system. Additional resources and staff are needed to increase the number of fact-finding and follow-up missions that can be undertaken by the representative, his staff, or expert volunteers. The deployment of field officers in areas where there are substantial numbers of internally displaced persons would also serve the mandate significantly. In addition, it would be useful to have a senior staff member to assist in managing the affairs of the mandate and play a role in inter-agency decision-making and in representation at an appropriate level at meetings. Adequate administrative support and secretarial assistance are also needed. These are minimal but crucial services that could make a major difference in the effectiveness of the mandate.

VII. REGIONAL ORGANIZATIONS AND NGOs

83. The global nature of internal displacement makes it essential that the international community rely on initiatives not only within but also outside the United Nations system to ensure that the needs of the internally displaced are adequately met. In particular, greater collaboration is needed on the part of the United Nations system with regional institutions and with NGOs, both of which are playing increasingly important roles in dealing with internal displacement. The representative's report to the Commission described important regional developments, especially in the Americas (E/CN.4/1995/50, paras. 213-242). Since then, new initiatives have been undertaken in Africa, the Arab world and Europe of which a brief summary follows.

84. The plan of action of the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura in February 1995 under the auspices of the OAU and UNHCR, set forth principles for the voluntary repatriation of internally displaced persons to their home areas and recommended steps Governments should take to create conditions conducive to the voluntary return of refugees and internally displaced persons. More recently, in August 1995 a Regional Conference on the Legal Status of Refugee and Internally Displaced Women in Africa, sponsored by OAU, UNHCR, the United Nations Development Fund for Women (UNIFEM) and the Economic Commission for Africa (ECA) and held at Addis Ababa, called for the strengthening of the legal protections afforded to displaced women and for enhanced institutional arrangements for the protection and promotion of their rights.

85. In June 1995, a Regional Seminar on Internal Displacement of Populations in Arab Countries, Human Rights and International Humanitarian Law, was held at Tripoli with the support of IOM, UNFPA, UNHCR and ICRC. The conference adopted several recommendations which, inter alia, called upon Arab States which have not yet ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol as well as the two Protocols Additional to the Geneva Conventions of 12 August 1949 to do so, proposed the study of complementary instruments for the protection and assistance of displaced persons in the region, and recommended that each State in the region establish a ministry responsible for assisting its nationals to remain in their communities by removing the possible causes of their displacement, namely inadequate levels of public services and development.

86. Regarding Europe, the representative and the United Nations High Commissioner for Human Rights have participated in the preparations for the CIS conference scheduled for 1996. Earlier, in July 1994, the Parliamentary Assembly of the Conference on Security and Cooperation in Europe (CSCE, now called the Organization for Security and Cooperation in Europe - OSCE) adopted the Vienna Declaration in which it recommended that when preventive efforts fail, the organization should "ensure protection of the forcibly displaced" and "seek durable long-term solutions for their well-being". Moreover, the OSCE High Commissioner on National Minorities is an important mechanism of early warning and preventive diplomacy with the aim of avoiding minority conflicts, which regularly result in displacement.

87. Regional initiatives should be encouraged and expanded since they can prove a powerful stimulus for addressing problems of internal displacement. In Asia, it would be useful if the issue of internal displacement were included in the agenda of regional organizations like the Association of South-East Asian Nations (ASEAN) and in meetings organized in the region by the Centre for Human Rights. The representative has initiated consultations aimed at organizing a seminar and stimulating activities on internal displacement in South-East Asia.

88. In his reports to the Commission and the General Assembly, the representative has drawn particular attention to the important role played by non-governmental organizations in assisting and protecting the internally displaced. Frequently, NGOs are in more direct contact with displaced populations and have closer relationships with the local authorities than do international agencies which tend to work with the central Government. Often, they maintain a presence when international agencies are not yet present or have withdrawn for security reasons, and as a result may be the only avenue for the provision of protection and assistance to the internally displaced. Further, they are often responsible for opening up "humanitarian spaces" which in many places have paved the way for United Nations operations.

89. Coordination between local and international NGOs, and between NGOs, the representative and the international community is important to promoting partnerships on behalf of the internally displaced. A willingness to forge such links was evident in the June 1994 Oslo Declaration and Plan of Action adopted by NGOs and UNHCR at the Partnership in Action (PARinAC) Conference.

VIII. DEVELOPING STRATEGIES

90. Clearly, the scope and intensity of internal displacement warrants the development of a global strategy for the more effective protection, assistance, reintegration and development of the internally displaced. During the representative's country missions and numerous consultations with agencies and experts, a number of elements of this strategy have become evident.

A. Information strategies

91. Knowing exactly the number of internally displaced persons, country by country, is a strategically important but very difficult question. The frequent lack of adequate presence in areas where there are internally displaced populations, combined with insufficient understanding of what internal displacement means, has often made it difficult to know the numbers of internally displaced populations and their specific assistance, protection and development needs. Conceptual and technical issues, such as the duration of displacement and whether people should still be counted as displaced when they have found alternative settlements, also need to be resolved. Since there is no one institution charged with collecting information about internally displaced persons, there is no consistent methodology applied by the various groups collecting the data.

92. The Norwegian Refugee Council's survey found that most agencies do not establish independently the number of internally displaced persons in a given country. For the most part, they draw upon UNHCR statistics, which often rely heavily on government figures, which may in turn be manipulated on political or economic grounds.

93. An accurate assessment of the needs of internally displaced populations is a prerequisite for any effective attempt to address them. Such assessments require a ground-level capacity and the pooling of information provided by governmental and non-governmental sources. In some regions, NGOs have been called upon by intergovernmental agencies to carry out needs assessments. 16/ In other areas, however, only a fraction of the local NGOs have sufficient operational capacity and expertise required by United Nations agencies for assessment operations. The trend is to establish more and more institutional linkages between the international and the local levels for assessment purposes, with national, regional and international NGOs as important components. The development of methodologies for collecting information and making needs assessments should be an important part of the global strategy for dealing with the internally displaced.

B. Preventive strategies

94. If the increasing problem of internal displacement is to be contained and reduced, preventive strategies are critical. United Nations human rights bodies have an important role to play in this regard. Preventive measures currently relied upon include an early warning system, urgent appeals of thematic and country rapporteurs of the Commission, dialogue with Governments, machinery for

the protection of minorities, and the deployment of human rights field officers. Commission reports addressing the root causes of mass exoduses also exemplify efforts at prevention. Human rights treaty bodies, moreover, have been requested to examine measures they might take to prevent human rights violations and several have adopted emergency procedures and undertaken missions to countries for preventive purposes. The establishment of the mandate of the post of United Nations High Commissioner for Human Rights should add particular momentum to the development of preventive strategies. Human rights field officers deployed under his auspices could play a valuable preventive role. All these measures, however, are at an early stage of development and human rights bodies should be encouraged to increase their capacities for prevention.

95. Mechanisms for minority protection also need to be strengthened as many displaced persons are members of minority groups who have been subjected to forcible expulsion, resettlement and other persecution because of their ethnic or other origin. Recent promising initiatives include the adoption by the United Nations of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the establishment of a working group by the Subcommission to develop strategies for minority protection and to prevent conflict.

96. The reports of the representative on his country missions have emphasized the importance of supporting preventive techniques aimed at empowering the population at the grass-roots level. Very often, local communities have built up effective strategies for mitigating the impact of displacement. The coping strategies that displaced populations themselves have developed should be carefully examined by NGOs and international agencies since such mechanisms are essential elements of prevention and protection.

97. Irrespective of the level at which preventive strategies are pursued, efforts must be made to ensure that protecting and assisting internally displaced persons do not interfere with their freedom of movement. There is a need to reconcile strategies that encourage people to remain within their own countries with those that safeguard the right to leave and seek asylum from persecution. Under no circumstances should the desire to forestall large-scale population displacements take precedence over assuring the long-term security of displaced populations.

C. Addressing root causes

98. Unless root causes are addressed and political solutions to conflicts found, there can be no durable remedies to most problems of internal displacement. Humanitarian assistance and the promotion of human rights cannot become substitutes for broader political efforts to advance the cause of peace, security and stability in a country. When the humanitarian, human rights, political and security dimensions of emergency situations are dealt with simultaneously, a climate of confidence is created which in turn positively affects the situation for the internally displaced. Strategies for protecting the internally displaced should seek to promote greater coordination among the political, humanitarian and human rights bodies of the United Nations in order

to promote mutually reinforcing solutions to crises of internal displacement and thereby contribute to the cause of peace and security.

D. Development strategies

99. In emergency situations, relief agencies have tended to focus on meeting short-term needs rather than on developing skills that can contribute to long-term solutions. Development agencies, for their part, have not always been willing or able to provide assistance for uprooted persons, especially when recipient Governments are reluctant to include refugees or displaced persons in the regular development aid provided them. In many cases, community-based programmes, which find greater response from local and national authorities, are an effective way of providing assistance in situations where the local community is equally in need.

100. The Programme of Action adopted by the International Conference on Population and Development (Cairo, 1994) recommended that measures should be taken to ensure that internally displaced persons receive basic education, employment opportunities, vocational training as well as other basic services, and that Governments, international organizations and NGOs strengthen development assistance for internally displaced persons so that they can return to their places of origin. It is essential that relief and development agencies, together with international financial institutions, develop strategies and programmes for the internally displaced, many of whom possess skills and work experience and whose survival would be better assured through income-generating and development projects than through relief assistance. Consideration should further be given to introducing regional processes, such as CIREFCA, 17/ into appropriate areas so as to involve Governments, NGOs and development agencies in integrating uprooted persons into national development plans.

E. Strategies for women and children

101. Although most internally displaced persons are women and children, little attention has been paid to documenting the particular abuses to which they have been subjected or developing strategies for remedying their situation. In his 1995 report to the Commission on Human Rights, the representative made several recommendations to enhance the situation of internally displaced women and children. In particular, agencies working with the internally displaced should consider, inter alia: monitoring the situation of women and children in accordance with UNHCR's Guidelines for the Protection of Refugee Women and its Guidelines for the Protection of Refugee Children; documenting violations and interceding with the relevant authorities on behalf of the women and children concerned; offering counselling services, such as have been made available in the former Yugoslavia where women have suffered sexual violence; and ensuring the equitable distribution of food and supplies and the better representation of displaced women in camp administration and decision-making. In addition, the need of women heads of household to become economically self-supporting in order to provide for their families should be the object of special training and income-generating programmes and strategies.

102. A great deal more attention, however, is needed to develop strategies for addressing the protection and development needs of women and children in situations of internal displacement. While it is important that programmes of UNICEF, UNIFEM and NGOs seek to reduce the special vulnerabilities of women and children, additional strategies are needed. The aforementioned Addis Ababa conference on refugee and displaced women recommended the enunciation of standards specific to the particular needs of displaced women. The Programme of Action adopted by the World Summit for Social Development (Copenhagen, 1995) included among its recommended responses to the needs of displaced persons a call to ensure that displaced women are involved in the planning and implementation of assistance activities. The Fourth World Conference on Women, held at Beijing in September 1995, has also made specific recommendations with regard to increasing protection and assistance for internally displaced women. The regional consultation in connection with the study on the impact of armed conflicts on children, being undertaken by the expert Ms. Graça Machel, held at Addis Ababa in 1995, made several important recommendations specific to the protection of children in situations of armed conflict. Taken together, these initiatives should prove important in developing programmes for the enhancement of the protection of internally displaced women and children.

IX. CONCLUSIONS

103. As a general observation, it should be noted that both within and outside the United Nations system, intergovernmental, regional and non-governmental bodies are actively exploring and developing new approaches to increasing assistance and protection for the internally displaced. The challenge, however, far exceeds the international community's response, which still remains largely ad hoc and grossly inadequate.

104. Since the Commission on Human Rights began consideration of the subject in 1992, a great deal has become known about the global problem of internal displacement. But a lot more needs to be learned: the numbers involved world wide, their geographical distribution, their precise needs, how they are being met and by whom, the status of the internally displaced in international law, and the adequacy of the coverage through existing international institutional arrangements for their protection and assistance. Such in-depth and comprehensive knowledge of the problem is a necessary prerequisite for the development of appropriate norms, instruments and strategies of international protection and assistance for the internally displaced.

105. At the request of the Secretary-General, and with the financial support of several Governments, foundations and the Office of the Secretary-General, the representative, in cooperation with several highly accredited research institutions, individual scholars, and human rights experts has undertaken a major research project into these aspects of the problem, including about a dozen representative case studies. The study not only aims at deepening understanding of the problem, but also at making recommendations for an appropriate legal and institutional response to meet the protection, assistance and development needs of the internally displaced. Apart from being a useful source of information to the international community, the findings of the study

are likely to strengthen and facilitate the capacity of the mandate to foster a more concerted international response to this global crisis.

106. Meanwhile, it should be emphasized that in the prevailing international climate, the most effective way of conceptualizing and discharging the responsibilities of the mandate is to see his role as catalytic. While this can be conceived broadly to entail raising awareness of the problem internationally, advocating the cause of the internally displaced and encouraging complementary cooperation among all pertinent organizations, governmental and non-governmental, it is most effectively applied in the context of country missions. These missions always begin with extensive discussions with government leaders, officials responsible for the displaced, representatives of United Nations agencies operating in the country, human rights and humanitarian organizations, and local community leaders. These are then followed by extensive field visits to displaced populations in camps, villages, and urban centres. These visits are also accompanied by discussions with military commanders, civil government authorities and field representatives of humanitarian agencies. Following the field visits an extensive process of debriefing involves further dialogue with government authorities and representatives of the international community, including ambassadors or representatives of donor countries. Often, these activities are widely covered by the media, thereby focusing public attention on the displacement crisis in the country. Sometimes, as a result of the dialogue at all levels, agreement or understanding is reached on specific measures to be taken to enhance protection and assistance for the internally displaced. Country visits therefore constitute one of the pillars of the mandate which should be encouraged and supported.

107. While the mandate has evolved into a more focused catalytic role, the crisis of internal displacement remains a major challenge for the international community, one that urgently calls for more effective legal and institutional arrangements to provide appropriate, comprehensive protection, assistance and development for internally displaced populations world wide. The in-depth study undertaken by the representative in collaboration with a wide circle of research institutions and individual scholars and others with pertinent expertise aims at facilitating the attainment of this objective.

Notes

1/ Norwegian Refugee Council "Institutional arrangements for internally displaced persons: the ground level experience" (1995), p. 14.

2/ UNHCR, The State of the World's Refugees (1993), p. 1.

3/ Supplement to An Agenda for Peace: position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations (A/50/60-S/1995/1), 25 January 1995.

4/ "Displacement or development: bridging the gap", address by the United Nations High Commissioner for Refugees to the World Bank/International Monetary Fund, Washington, D.C., 8 June 1994.

5/ Dr. Michael Toole, Centers for Disease Control, Department of Health and Human Services, testimony before the United States Senate, 3 April 1990, as quoted in "Internally displaced women and children in Africa", Refugee Policy Group, Washington, D.C., February 1992.

6/ In a letter dated 12 April 1995, the Government of Sri Lanka provided the representative with comments on the findings contained in his reports. In his reply of 4 May 1995, the representative expressed his appreciation for the Government's clarification of several points raised in the reports.

7/ ICRC, "Sri Lanka: displaced civilians killed in air strike", communication to the press No. 95/30, 11 July 1995.

8/ UNHCR's Operational Experience with Internally Displaced Persons (September 1994). See also the comprehensive study prepared by Mr. Francis Deng, representative of the Secretary-General on the human rights issues related to internally displaced persons (E/CN.4/1993/35, annex, para. 50).

9/ "Displaced persons are persons who have been obliged to abandon their homes or usual economic activities because their lives, security or freedom have been endangered by generalized violence, massive violations of human rights, an ongoing conflict or other circumstances which have or are seriously disturbing the public order, but who have remained within their own countries". Cited in the comprehensive study, op. cit., para. 39.

10/ Cited in E/CN.4/1995/50/Add.1, para. 12.

11/ The representative received a report from the Refugee Policy Group entitled "Improving institutional arrangements for internally displaced persons", which was utilized for this section of his report.

12/ See UNHCR's Operational Experience, op. cit.

13/ Field representation of the United Nations system organization: a more unitary approach: note by the Secretary-General (A/49/133 and Add.1-E/1994/49 and Add.1).

14/ "Plan of activities of the Centre for Human Rights for the implementation of the Vienna Declaration and Programme of Action", annex II, Geneva, 10 November 1993 (internal document).

15/ See Report of the forty-fifth session of the Executive Committee of the High Commissioner's Programme (A/AC.96/839), 11 October 1994.

16/ In Central America and the Andean region, in particular, there are many examples of efforts to institutionalize a ground-level capacity for assessment. UNHCR, for example, asked the Andean Commission of Jurists to carry out an assessment and analysis of the situation of internal displacement in Peru, and it also recently asked international NGOs and the Permanent Consultation for Internally Displaced Persons in the Americas to do the same in Guatemala.

17/ The 1989 International Conference on Central American Refugees (CIREFCA) brought together Governments, donors, intergovernmental agencies, NGOs and representatives of the displaced, who jointly developed a comprehensive plan for assisting refugees, displaced persons and returnees and integrating them into the development programmes of the countries concerned.